

IN THE UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN D. KNABB, III, and TRACY L.
KNABB, Individually and as Parents and
Natural Guardians of JOANNE D.
KNABB, a minor,
Plaintiffs

vs.

INTERNATIONAL BIOMEDICAL, INC.,
A Texas Corporation, t/d/b/a AIRBORNE
LIFE SUPPORT SYSTEMS,
Defendant and Third Party Plaintiff

vs.

STEPHEN G. WOODS, Administrator of the
Estate of John E. Bridge, Deceased;
CHILDREN'S HOSPITAL OF
PITTSBURGH; and GUARDIAN ANGEL
AMBULANCE SERVICES, INC.,
Third Party Defendants

Civil Action No. 04-215 Erie

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION FOR MODIFICATION
OF CASE MANAGEMENT ORDER**

Plaintiffs respectfully submit the following Motion for Modification of Case Management Order.

1. Plaintiffs John D. Knabb, III and Tracy L. Knabb, individually and as parents and natural guardians of Joanne D. Knabb, a minor, commenced this action on July 26, 2004 against defendant International Biomedical, Inc. (IBI) and, on September 2, 2004 defendant filed an Answer to Complaint.

2. The Court issued a Preliminary Scheduling Order on September 2, 2004 and, on September 20, 2004, plaintiffs and defendant filed their Joint Report of Rule 26(f) Meeting.

3. On October 6, 2004 a case management conference was held before the Court, and on October 20, 2004 a Case Management Order was issued, closing discovery on February 6, 2005 and requiring that pretrial statements be filed on or before April 7, 2005 (plaintiffs) and April 27, 2005 (defendant), with dispositive motions and responses due on or before February 16, 2005 and March 18, 2005, respectively.

4. The parties served their initial disclosures on September 20, 2004 (plaintiffs) and October 15, 2004 (defendant) and, on November 9, 2004, plaintiffs served interrogatories and document requests on defendant that were answered on February 18, 2005.

5. On October 14, 2004 the Court granted defendant's Motion for Leave to File Third Party Complaint and Serve Third Party Complaint and Summonses and, on October 18, 2004, defendant filed a Third Party Complaint against all three third party defendants. That complaint and the summonses were served on the third party defendants on October 19, 2004 (defendant Woods), October 21, 2004 (defendant Children's Hospital of Pittsburgh("CHP")) and October 29, 2004 (defendant Guardian Angel Ambulance Services, Inc.("Guardian Angel")).

6. Answers were filed to the Third Party Complaint on December 20, 2004 (Woods) and February 1, 2005 (CHP) and February 26, 2005 (Guardian Angel).

7. On February 8, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on February 7, 2005, extending discovery to June 6, 2005 and requiring the filing of plaintiffs' pretrial statement by August 5, 2005, defendant's pretrial statement by August 26, 2005 and third party defendants' pretrial statements by September 16, 2005. Dispositive motions were to be filed by June 27, 2005, with responses by July 27, 2005.

8. On May 26, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on May 24, 2005, extending discovery to October 4, 2005 and

requiring the filing of plaintiffs' pretrial statement by December 3, 2005, defendant's pretrial statement by December 24, 2005 and third party defendants' pretrial statements by January 4, 2006. Dispositive motions were to be filed by October 25, 2005, with responses to be filed by November 24, 2005.

9. On September 16, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on May 26, 2005, extending discovery to December 4, 2005 and requiring the filing of plaintiffs' pretrial statement by December 24, 2005, defendant's pretrial statement by January 13, 2006 and third party defendants' pretrial statements by February 2, 2006. Dispositive motions were to be filed by December 4, 2005, with responses to be filed by January 13, 2006.

10. On November 10, 2005 the depositions of three representatives of defendant IBI were taken in Austin, Texas and on November 11, 2005 the depositions of plaintiffs John D. Knabb, III and Tracy L. Knabb were taken in Houston, Texas.

11. On December 2, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on December 1, 2005, extending discovery to January 1, 2006 and requiring the filing of plaintiffs' pretrial statement by January 21, 2006, defendant's pretrial statement by February 10, 2006 and third party defendants' pretrial statements by March 6, 2006. Dispositive motions are to be filed by January 21, 2006, with responses to be filed by February 10, 2006.

12. On December 15, 2005 the depositions of seven witnesses were taken in Pittsburgh, Pennsylvania of one of the Pennsylvania State Troopers who investigated the motor vehicle accident in question, one of plaintiff's liability experts concerning narrow factual issues, two managerial employees of Guardian Angel, the two Guardian Angel emergency medical

technicians who were attendants on the ambulance involved in the motor vehicle accident and one of the two members of the transport team from CHP who accompanied the infant plaintiff on the ambulance transport from Franklin, Pennsylvania to Pittsburgh, Pennsylvania during which the motor vehicle accident occurred.

13. On December 30, 2005 the Court granted the December 30, 2005 Joint Motion for Modification of Case Management Order of all parties but defendant Woods, extending discovery to February 1, 2006 and requiring the filing of plaintiffs' pretrial statement by February 20, 2006, defendant's pretrial statement by March 12, 2006 and third party defendants' pretrial statements by March 22, 2006. Dispositive motions were to be filed by March 12, 2006, with responses by March 12, 2006. The Case Management Order of October 20, 2004 was to remain in effect in all other respects.

14. Since the Court's Order of December 30, 2006, the depositions of additional fact witnesses were taken (on January 17, 2006, and on February 8, 2006), and the parties received supplemental discovery materials from the defendants.

15. On January 19, 2006, the Court granted Defendant IBI's uncontested Motion for Modification of Case Management Order extending the filing dates for the parties' respective pretrial statements to March 22, 2006 (for plaintiffs), April 11, 2006 (for Defendant), and April 21, 2006 (for additional defendants). Dispositive motions were to be filed by March 22, 2006, with responses by April 11, 2006. The Case Management Order of October 20, 2004 was to remain in effect in all other respects.

16. Subsequent to the Order of January 17, 2006, on March 1, 2006, Plaintiffs received from Additional Defendant CHP a complete copy of the minor Plaintiff's patient chart (exceeding 2,200 pages) containing voluminous care records that neither Plaintiffs nor their

retained experts had inspected prior to that date. Additionally, on March 10, 2006, Defendant IBI served Plaintiffs' counsel with supplemental discovery materials.

17. Due to the volume of the patient care records received from Defendant CHP, and with the production of supplemental discovery materials received from Defendant IBI, Plaintiffs' retained experts will require additional time to review these discovery materials, complete and submit their respective reports beyond the March 22, 2006 filing deadline for Plaintiffs' Pretrial Statement.

18. Plaintiffs have been assured that the expert analyses and trial reports required could be completed within the next two (2) weeks.

19. Counsel for Plaintiffs has discussed this Motion with counsel for all other parties, who indicated their clients have no objection to the relief requested.

WHEREFORE, Plaintiffs respectfully request that the Court modify the Amended Case Management Order of January 19, 2006, extending the times for filing pretrial statements by fourteen (14) days and appropriately modifying that Case Management Order in regard to the time for filing dispositive motions and responses thereto.

Respectfully submitted,

/s/ Robert Varsek
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of March, 2006, a copy of the
within document was served on all counsel of record and unrepresented parties in accordance
with the applicable rules of court.

/s/ Robert Varsek

Robert Varsek